



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 8, 1998

Ms. Kristi A. Taylor
Neiman & Barnes
P.O. Box 777
Lewisville, Texas 75067

OR98-1603

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116474.

The City of Lewisville (the "city") received a request for two offense reports. You state that front page information has been released. You claim, however, that the remaining information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you argue that the requested information is confidential under section 552.101 in conjunction with 58.007 of the Family Code because it involves juvenile conduct. Section 58.007(c) of the Family Code provides that law enforcement records concerning a child must not be publicly disclosed. This confidentiality language was added to section 58.007 during the last legislative session.¹ Prior to this amendment, juvenile records were open to public inspection. Since the conduct at issue here occurred during the period when juvenile records were open to public inspection, between January 1, 1996, and August 31, 1997, we conclude that the city may not withhold the requested records under section 552.101.

You also argue that the documents may be withheld under section 552.108. Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is

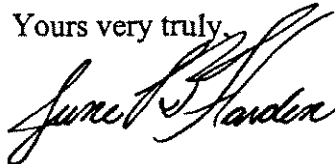
¹Act of June 2, 1997, H.B. 1550, 75th Leg., R.S., ch. 1086, § 20, 1997 Tex. Gen. Laws 4179, 4187.

excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication

You state that the requested information pertains to pending criminal litigation. Based on your representation that the requested information relates to a pending criminal prosecution, we conclude that the information at issue may be withheld under section 552.108(a)(1). *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

Because we are able to make a determination under section 552.108, we need not address your 552.103 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 116474

Enclosures: Submitted documents

cc: Ms. Nancy DeArmond
2479 Deer Run, # 1602
Lewisville, Texas 75067
(w/o enclosures)